

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JULIO TOLEDO, JOSH C. HAYGOOD, RAFAEL VEGA,
GREG MCCAIN, MARTIN SANTA, DAVID FRANCO, JUAN
R. ESTRADA, KEVIN BELL, HOWARD LOCKWOOD,
JASON E. LARRIER, TOMMIE O. HART, ANGEL PEREZ,
PEDRO R. MENDEZ, LEONARD MATOS, JR., and
HERMINIO RIVAS, JR.,

Plaintiffs,

V.

C.A. No. 04-30163-MAP

IBPO, LOCAL 364,

Defendant,

V.

SPRINGFIELD POLICE DEPARTMENT,

Defendant.

**PLAINTIFFS' PARTIALLY-ASSENTED-TO MOTION FOR A FURTHER
EXTENSION TO RESPOND TO DEFENDANTS' MOTIONS TO DISMISS**

The plaintiffs move for a further extension of two months (*i.e.*, until December 18, 2005) to respond to the motions to dismiss filed by the defendants. In support thereof, the plaintiffs state:

1. On February 22, 2005, the undersigned attorneys from Wilmer Cutler Pickering Hale and Dorr LLP and the Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association entered their appearance on behalf of the plaintiffs.

2. On April 11, 2005, after analyzing the applicable law and the facts presented by this case, counsel for the plaintiffs asked to meet with counsel for the defendants to discuss the

issues raised in the complaint and, more generally, matters involving the Springfield Police Department. On May 4, 2005, several of the named plaintiffs and plaintiffs' counsel met with counsel for the defendant City of Springfield (the "City") and the defendant IBPO, Local 364 (the "Union"). During that meeting, the parties discussed, among other issues, resolution of the present litigation, minority representation in the Springfield Police Department, and the City's compliance with the *Castro* Consent Decree. The City and the plaintiffs agreed to attempt to work together to address several of the issues discussed. To further that objective, the plaintiffs filed an assented-to motion requesting an additional three months to respond to the defendants' motion to dismiss on May 10, 2005. This Court granted that motion on May 16, 2005.

3. Since the May 4, 2005 meeting, the City received a lengthy consultant report that addressed the situation in the Springfield Police Department. In addition, the Chief of Police of the Springfield Police Department resigned and has only recently been replaced. The plaintiffs understand that, for these reasons, the City has been unable to devote the necessary attention to addressing the issues discussed during the May 4, 2005 meeting. Therefore, to permit time for the dialogue between the parties to continue, plaintiffs filed a partially-assented-to motion requesting an additional two months to respond to the defendants' motion to dismiss on August 10, 2005. This Court granted that motion on August 11, 2005.

4. The plaintiffs understand that for similar reasons, the City has continued to be unable to devote the necessary attention to addressing the issues discussed in the May 4, 2005 meeting. Therefore, to permit time for the dialogue between the parties to continue, plaintiffs request that the Court extend for an additional two months the deadline for their response to the motions to dismiss filed by the defendants.

5. It is believed that the requested extension will cause no prejudice or harm to the defendants.

6. The City has assented to this motion. Plaintiffs have contacted counsel for the Union to request his assent. As of the filing of this motion, however, plaintiffs have not heard whether or not the Union assents to this motion.

WHEREFORE, the plaintiffs respectfully request that the Court grant their motion for an extension until December 18, 2005 to respond to the motions to dismiss filed by the defendants.

JULIO TOLEDO, JOSH C. HAYGOOD, RAFAEL VEGA, GREG MCCAIN, MARTIN SANTA, DAVID FRANCO, JUAN R. ESTRADA, KEVIN BELL, HOWARD LOCKWOOD, JASON E. LARRIER, TOMMIE O. HART, ANGEL PEREZ, PEDRO R. MENDEZ, LEONARD MATOS, JR., and HERMINIO RIVAS, JR.,

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Dated: October 18, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on the following attorneys of record for each party by first class mail and/or fax:

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Jeffrey S. Gleason

Dated: October 18, 2005